

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

|                           |   |                                   |
|---------------------------|---|-----------------------------------|
| WILLIAM D. PAUL,          | ) |                                   |
|                           | ) |                                   |
| Petitioner,               | ) |                                   |
|                           | ) | Civil Action No.: 02:07mc3367-MHT |
| v.                        | ) | Civil Action No.: 02:07mc3369-WKW |
|                           | ) |                                   |
| UNITED STATES OF AMERICA, | ) |                                   |
|                           | ) |                                   |
| Respondent.               | ) |                                   |

**MOTION TO CONSOLIDATE**

Comes now the respondent, United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and requests that the above-styled causes be consolidated and that time to answer be the date set for same in the latter filed case, and as grounds states as follows:

1. The plaintiff filed his first Motion to Quash action, # 07-3367, against the defendant on June 5, 2007. The petition in that cause was dismissed on June 15, 2007, on motion of the defendant asserting that it was no longer seeking compliance with the summons, as issued. Subsequent to the dismissal, the defendant served different summons indicating different tax years, for example, to the same third party entities and the plaintiff. The plaintiff, by motion filed June June 25, 2007, sought to quash these summons.

2. On June 22, 2007, the petitioner opened a new case, # 07-3369 and filed a Petition to Quash, apparently, the same summons. The defendant was served in that

matter on June 28, 2007, and ordered to answer or otherwise respond by August 28, 2007.

3. Given the similarity of parties, claims and defenses, the interests of judicial economy would be served by joining the two lawsuits into one action.

4. Should the Court be inclined to grant this request, Defendant would also respectfully request that the time for the defendants answer the complaint(s) be set for August 28, 2007, that being the due date for an answer or other response for the latter filed case, # 07-3369.

5. Counsel for the defendant attempted to contact the *pro se* plaintiff regarding his position on this request but was unable to reach him.

Respectfully submitted this 16<sup>th</sup> day of July, 2007.

LEURA G. CANARY  
United States Attorney

By: /s/R. Randolph Neeley  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed, by United States Postal Service, a copy of same to the following non-CM/ECF participant(s):

William D. Paul  
102 Meadow wood Court  
Wetumpka, AL 36093

s/R. Randolph Neeley  
Assistant United States Attorney